

**PUBLIC EMPLOYMENT RELATIONS COMMISSION**

Street: 112 Henry Street NE, Suite 300, Olympia, WA 98506

Mail: PO Box 40919, Olympia, WA 98504-0919

Phone: (360) 570-7300 Fax: (360) 570-7334 E-mail: filing@perc.wa.gov

**PETITION FOR INVESTIGATION OF
QUESTION CONCERNING REPRESENTATION**☐ Amended Petition in Case _____

DO NOT WRITE IN THIS SPACE

**RECEIVED
OLYMPIA, WA****2009 OCT 30 AM 10: 53****PUBLIC EMPLOYMENT
RELATIONS COMMISSION**Instructions: www.perc.wa.gov/Forms/E-1-inst.pdf Applicable Rules: Chapters 10-08, 391-08 and 391-25 WAC.**1. PARTIES** The petitioner claims that a question concerning representation exists involving certain employees of the employer named below.**EMPLOYER** City of Orting**CONTACT PERSON** Mark Bethune, City Administrator**ADDRESS** City of Orting

P. O. Box 489

CITY, STATE, ZIP Orting, Washington 98360**TELEPHONE** (360) 893-2219 ext. 115**FAX****E-MAIL** mbethune@cityoforting.org**ATTORNEY OR
REPRESENTATIVE** Mark Bethune, City Administrator**ADDRESS** City of Orting

P. O. Box 489

CITY, STATE, ZIP Orting, Washington 98360**TELEPHONE** (360) 893-2219 ext. 115**FAX****E-MAIL** mbethune@cityoforting.org**PETITIONER** Orting Police Guild**CONTACT PERSON** Dan Drasher**ADDRESS** c/o Orting Police Department

P. O. Box 489

CITY, STATE, ZIP Orting, Washington 98360**TELEPHONE** ext.**FAX****E-MAIL****ATTORNEY OR
REPRESENTATIVE** Sean Lemoine, Attorney**ADDRESS** Garrettson, Gallagher, Fenrich & Makler, P.C.

5530 SW Kelly Avenue

CITY, STATE, ZIP Portland, Oregon 97239**TELEPHONE** (503) 226-3906 ext.**FAX** (503) 295-0997**E-MAIL** seanl@ggfm.com**INCUMBENT BARGAINING REPRESENTATIVE** *Indicate one.*☐ The parties are not currently represented for bargaining; OR☒ The employees involved are currently represented by the organization below:**ORGANIZATION** AFSCME, Local 120, WSCCCE, Council 2**CONTACT PERSON** Ethan Fineout, Staff Representative**ADDRESS** P. O. Box 750**CITY, STATE, ZIP** Everett, Washington 98206-0750**TELEPHONE** (425) 303-8818 ext.**FAX** (425) 303-8906**E-MAIL****ATTORNEY OR
REPRESENTATIVE** Ethan Fineout, Staff Representative**ADDRESS** WSCCCE, Council 2

P. O. Box 750

CITY, STATE, ZIP Everett, Washington 98206-0750**TELEPHONE** (425) 303-8818 ext.**FAX** (425) 303-8906**E-MAIL****2. DESIGNATION OF REQUEST** *Indicate one.*☐ **RECOGNITION REQUEST** The petitioner requests certification as exclusive representative of the bargaining unit.☒ **CHANGE OF REPRESENTATIVE** The employees in the bargaining unit desire to designate the petitioner as their exclusive bargaining representative.☐ **DECERTIFICATION** The employees in the bargaining unit no longer wish to be represented by any employee organization.☐ **EMPLOYER PETITION - DEMAND FOR RECOGNITION** The employer has been presented with one or more demands for recognition (per attached documentation) and requests a determination by the Commission.☐ **EMPLOYER PETITION - INCUMBENCY QUESTIONED** The employer has a good faith belief (per attached documentation) that a majority of employees no longer desire to representation by the incumbent bargaining representative.**4. OTHER RELEVANT FACTS** *Indicate one.*☐ Additional information is set forth on separate sheets of paper attached to this petition.**3. BARGAINING UNIT****EMPLOYER'S PRINCIPAL BUSINESS**

City Government

DEPARTMENT OR DIVISION INVOLVED

Police Department

COLLECTIVE BARGAINING AGREEMENT *Indicate one.*☐ The parties have never had a contract; OR☒ A copy of the parties' current (or most recent) collective bargaining agreement is attached.**NUMBER OF
EMPLOYEES
IN UNIT** 8**DESCRIPTION** *Indicate inclusions, exclusions, contract page or case/decision number.*

All regular full-time and regular part-time Police Officers, Corporals and Sergeants of the City of Orting.

5. SHOWING OF INTEREST

A petition filed by an organization or employees must be accompanied by a showing of interest indicating that the petitioner has the support of 30% or more of the employees in the bargaining unit.

6. AUTHORIZED SIGNATURE FOR PETITIONER**PRINT NAME** Sean Lemoine**TITLE** Attorney**SIGNATURE****DATE** 10/28/09

CERTIFICATE OF SERVICE

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PUBLIC EMPLOYMENT
RELATIONS COMMISSION

I hereby certify that on October 28, 2009, I served a true and correct copy of the foregoing

PETITION FOR INVESTIGATION OF QUESTION CONCERNING

REPRESENTATION by the method indicated below and addressed as follows:

_____ HAND DELIVER
_____ X U.S. MAIL, First Class, postage prepaid
_____ OVERNIGHT MAIL
_____ FACSIMILE
_____ E-Mail

Mark Bethune, City Administrator
City of Orting
P O Box 489
Orting WA 98360

Ethan Fineout, Staff Representative
Washington State Council of County
and City Employees, Council 2
P O Box 750
Everett WA 98206-0750



Sean Lemoine, WSB #37946
GARRETTSON, GALLAGHER,
FENRICH & MAKLER, P.C.
5530 SW Kelly Avenue
Portland, Oregon 97239
(503) 226-3906
(503) 295-0997 (Fax)
seanl@ggfm.com

**GARRETTSON
GALLAGHER
FENRICH &
MAKLER, P.C.**

Attorneys at Law
www.ggfm.com

PORTLAND, OR

5530 SW Kelly Avenue
Portland, OR 97239
(503) 226-3906
(503) 295-0997 (FAX)

Daryl S. Garrettson

Admitted in OR & WA
email: darylg@ggfm.com

Mark J. Makler

Admitted in OR & WA
email: markm@ggfm.com

Sean Lemoine

Admitted in OR & WA
email: seanl@ggfm.com

Patricia Urquhart

Admitted in OR & ID
email: patriciau@ggfm.com

EUGENE, OR

423 Lincoln Street
Eugene, OR 97401
(541) 342-7820
(541) 342-7802 (FAX)

Rhonda J. Fenrich

Admitted in OR & WA
email: rhonda@ggfm.com

Becky Gallagher

Admitted in OR & WA
email: beckyg@ggfm.com

**Lisa A. Maybee
Of Counsel**

Admitted in OR
email: lmaybee@teleport.com

October 28, 2009

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PUBLIC EMPLOYMENT
RELATIONS COMMISSION

Cathleen Callahan, Executive Director
Public Employment Relations Commission
P. O. Box 40919
Olympia, Washington 98504-0919

Re: Orting Police Guild - **Petition for Investigation of Question
Concerning Representation**

Dear Director Callahan:

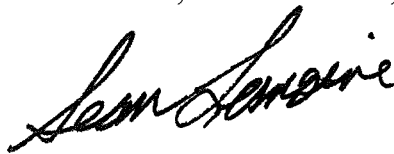
Pursuant to WAC 391-25-030(1), enclosed is a Petition for Investigation of Question Concerning Representation for the Orting Police Guild, including the requisite showing of interest cards.

As evidenced by the enclosed Certificate of Service, a copy of this Petition has been provided to City Administrator Mark Bethune as the representative for the City of Orting, and Ethan Fineout, Staff Representative for the Washington State Council of County and City Employees, Council 2.

Please don't hesitate to contact me if you have any questions or require additional information.

Sincerely,

GARRETTSON, GALLAGHER, FENRICH & MAKLER, P.C.



Sean Lemoine
SL/df

Enclosures

- c: Mark Bethune, Orting City Administrator (w/o showing of interest cards)
Ethan Fineout, Staff Representative, WSCCCE Council 2
(w/o showing of interest cards)
Dan Drasher, Orting Police Guild (w/o showing of interest cards)